

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff/Respondent,**

**v.**

**No. CV 11-0037 MV/LAM  
CR 03-0477 MV**

**ERIC LAMONT JOHNSON,**

**Defendant/Movant.**

**ORDER GRANTING IN PART MOTION FOR LENIENCY**

**THIS MATTER** is before the Court on Defendant/Movant's motion for leniency for future filings (*CV Doc. 4*), filed on January 12, 2011. The Court has reviewed the motion and **FINDS** that the motion should be **GRANTED in part** and **DENIED in part**.

In his motion, Defendant/Movant states that he has been in transit for over 18 months and that he has a pending case in California, the outcome of which may affect his claims in this case. Defendant/Movant states that he may have additional grounds for relief and additional evidence to present in his case in the future, and he asks the Court for leniency in allowing the claims or evidence that he may present.

"A pro se litigant's pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers." *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, "this leniency applies to the examination of *technical language* in pleadings rather than to their substantive content." *United States v. Santos-Savera*, No 02-4058, 47 Fed. Appx. 915, 916, 2002 WL 31266113 (10th Cir. Oct. 9, 2002) (unpublished) (citing *Whitney v. New Mexico*, 113 F.3d 1170, 1173-74 (10th Cir.1997) ("This court . . . will not supply additional factual allegations to round out a [pro se] plaintiff's complaint or construct a legal theory on a

[pro se] plaintiff's behalf.")). Furthermore, leniency given to *pro se* parties is not without limits, and *pro se* parties must "follow the same rules of procedure that govern other litigants." *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994) (citations omitted). For these reasons, the Court will grant Defendant/Movant's motion to the extent he is asking the Court to construe the language in his pleadings with leniency, but will deny it to the extent Defendant/Movant is asking the Court to provide leniency regarding his pleadings' substantive content and regarding following the rules of procedure, including time deadlines. Defendant/Movant must seek leave of Court for any extension of time to any deadline that is imposed by the Court or federal rule of procedure.

**IT IS THEREFORE ORDERED** that Defendant/Movant's motion for leniency for future filings (*CV Doc. 4*) is **GRANTED in part** and **DENIED in part** as set forth herein.

**IT IS SO ORDERED.**

  
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**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**